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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,539	02/28/2007	Hitoshi Suzuki	80319(302753)	9393
21874 7590 11/23/2009 EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205				
EXAMINER				
JENNINGS, STEPHANIE M				
ART UNIT		PAPER NUMBER		
3725				
MAIL DATE		DELIVERY MODE		
11/23/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/561,539

**Applicant(s)**

SUZUKI ET AL.

**Examiner**

Stephanie Jennings

**Art Unit**

3725

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 28 July 2009

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 22, 2009 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oetiker US Patent No. 5,890,270 in view of Svercl et al. US Patent No. 4,434,645.
5. In regard to **claim 9**, Oetiker discloses a ring compression device (10) that applies force on the periphery of a ring (13) comprising a non-rotatable substrate having a central axis (O), a plurality of longitudinal pressing members (20) that are arranged on a first plane different from the substrate (34) and a driving mechanism (60) that engages the rotating body (23) and pressing members such that the pressing members move toward the center (column 6, lines 40-60).
6. In regard to **claim 15**, Oetiker discloses a ring compression method of applying force to fix a ring on a mounting body, inserting the mounting body into a bore and holding the mounting body such that it is aligned with the axis and forcibly moving the ends of the pressing members toward the axis by rotating a rotational body arranged in a second plane to act on the pressing members (column 7, lines 2-27).
7. Oetiker does not disclose a hooking mechanism with a claw member for hooking the ring or screw attachments.

Svercl teaches a carrier (20) with V-shaped indentments (22) that represent a claw clutch (column 3, lines 27-32) as recited in claims 9, 14, and 15. Svercl also teaches a safety screw attachment (21) as a holding mechanism as recited by claims 12 and 14 (column 3, lines 27-32).

In regard to **claims 9, 14 and 15**, Svercl teaches a carrier (20) with V-shaped indentments (22) that represent a claw clutch (column 3, lines 27-32).

In regard to **claims 12 and 14**, Svercl teaches a safety screw attachment (21) as a holding mechanism (column 3, lines 27-32).

It would have been obvious to one skilled in the art to provide the device of Oetiker with the hooking mechanism of Svercl because the hooking mechanism facilitates ring attachment.

8. In regard to **claim 11**, Oetiker discloses a ring compression device where the rotating body has an initial position where one of the pressing members is located in a circle with the diameter of the ring as the diameter of the circle (as recited by claim 11) around the central axis (see Figure 1)

9. In regard to **claims 10 and 13**, Oetiker discloses a driving mechanism that engages the rotating body such that the pressing members move toward the center of the central axis (column 6, lines 40-60).

10. In regard to **claim 16**, Oetiker also discloses controlling the ends of the pressing members prior to hooking with a wire springs (40) and controlling the inward radial movement of the hooking members after the first controlling operation and before the hooking operation (column 6, lines 40-60).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie Jennings whose telephone number is (571) 270-7392. The examiner can normally be reached on Monday-Thursday, 7 am - 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. J./  
Examiner, Art Unit 3725  
November 17, 2009

/Dana Ross/  
Supervisory Patent Examiner, Art  
Unit 3725